

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1-11 are currently pending in this application. Claim 1 has been amended. Applicant submits that no new matter has been introduced into the application by these amendments.

Corresponding Foreign Applications

Applicant notes that German Patent (DE 10359995B3) (the priority application) as well as the corresponding European patent (EP1699986B1) have already issued. Both patents issued with claims substantially identical to the present application.

Claim Rejections - 35 USC § 103

Claims 1-8 stand rejected under 35 USC § 103(a) as obvious over Kob, German Patent No. 299 20 853 in view of Mattle, U.S. Patent No. 6,829,866.

Applicant respectfully traverses the rejection.

The invention as currently claimed in claim 1 is a wood wall construction made from wooden beams. The wooden beams are stacked one on top of the other and assembled using screws, which are screwed from an upper or a lower side of two wooden beams into a mutual attachment area bridging the two wooden beams.

The screws extend only over a part of a height or thickness of each of the wooden beams. The wooden beams are connected to one another by the screws which are provided with threaded sections at least at both end sections thereof. The screws are screwed-in without pre-drilling the wooden beams and engage only immediately adjacent to a mutual attachment area of the two wooden beams. The length of the screws is smaller than a height of one of the wooden beams.

It is noted that in Kob there is no mention whatsoever that the fastener can be driven without pre-drilling. A cross section is thus required having a larger diameter than the head of the screw and the shaft containing the spring. It is also further necessary that the screw be placed in the exact center of the bore having the larger cross section. If the screw is not placed completely in the center, the bore perimeter would be penetrated. Further, the screw shown in Kob comprises threads at one end and a spring 7 at the driving end which does not serve to attach the beams. It is further clear to anyone of skill in the art that a screw (5) described as having a length of 20cm and a diameter of 1.2cm cannot be driven into a wooden beam without pre-drilling the beam. If driven into the beam without first pre-drilling, the beam would split. A large bore (4) is also necessary for insertion of a tool to engage the head (6-sided head) of the screw. No other form of screw heads are disclosed by Kob, therefore it is not set forth that other tools can be used with this fastener.

The Action proposes combining Kob with U.S. Patent 6,829,866 B2 to Mattle (assigned to the same Assignee of the present invention). The Action states on page 2, paragraph 2 that “Kob does not teach the screws are screwed-in without pre-drilling or that the length if the screws is smaller then the height of the wooden beams. However, Mattle teaches wooden beams that are held together via screws (Abstract).” This is not accurate since Mattle deals with repairing individual wooden beams through the driving of screws as reinforcements. There is no suggestion in Mattle of fastening two beams to each other. The Abstract of Mattle actually reads:

A wooden beam (1) has several sections which are subjected to a transversal tension and which affect in particular the areas in which there are recesses or openings (3). Rod-shaped elements are provided in the form of screws (4) which are introduced in such a way that they extend crosswise to the longitudinal direction of the beam (1) in order to absorb this transversal tension. These screws are screwed in from the top side (5) or the underside (6) of the beam (1) and each extend over part of the height (H) of the beam (1) only and are therefore directly associated with the area (2) that is subjected to transversal tension. (Emphasis added)

Furthermore, the proposed combination would not be pursued by one of ordinary skill in the art of wooden construction. The present invention provides fastening wooden beams to one another to build walls or log cabins. The present invention provides a way to simplify wall constructions by providing a wooden wall construction and screws that are quickly and easily produced and provide an optimal fastening of the wooden beams to each other.

The mutual fastening of the beams by the present invention also maintains the beams together in the same area. Therefore a secure mutual fastening is provided even when the beams shrink from drying out. In this aspect, one cannot use the solution provided by Mattle for fastening wooden beams to walls or to finish log cabins.

Claims 8-11 stand rejected under 35 USC § 103(a) as being obvious over Kob, German Patent No. 299 20 853 in view of Mattle, U.S. Patent No. 6,829,866 in further view of Callison, U.S. Patent No. 5,283,994.

Claims 8 – 11 depend from claim 1 which is believed to be allowable for at least the reasons set forth above. Furthermore, Callison fails to remedy the defects of Kob and Mattle. Regarding Callison, the Action notes that Fig. 5 of the Callison reference shows spikes being driven angularly and then countersunk to secure two members to each other. As in Kob, an initial bore must be provided for the head of the fastener to be received within the bore and to allow the wooden members to be

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stackable upon each other. There is no mention in Callison that its members were screwed as claimed in the present invention.

Based on the arguments presented above, withdrawal of the § 103 rejection of the claims is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 - 11, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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